



### I. Purpose

This building newsletter shows how to classify the type of construction of a nonconforming building as defined in Section II below. Allowable methods of adding building area are discussed and information that must be included on construction plans is specified.

### II. Definition

A nonconforming building is an existing legally constructed building that fails to meet the fire-resistive requirements in the current Building Code based on height, area, occupancy or number of stories.

### III. Existing Buildings

Over the years alterations and repairs, along with changes in use and the building code, may result in existing buildings that no longer conform to the current code.

Section 3401 of the CBC, as amended, permits any existing building to continue in its present state provided it was legally constructed and is not a danger to life. "Legally constructed" means that the original construction and all subsequent renovations were legally permitted and inspected per Section 106.1 of the UBC.

If new work is proposed, however, certain requirements must be met as discussed below.

- A. Structural requirements for existing buildings are given in Building Newsletter 16-1. All new work, both structural and nonstructural, must meet current code requirements.
- B. Exiting requirements for nonconforming buildings with new work are specified in Section 3403.2 and Chapter 10 of the UBC. Any addition and all existing areas affected by the addition must comply with exiting provisions in the current code.

### IV. Required Type of Construction

If new work is proposed, the existing building and addition shall not exceed the height, number of stories, and area specified for a new building of that use or occupancy.

- A. When an existing building is of a lesser type of construction than its height, area, occupancy and number of stories would dictate under the current code, it is nonconforming. If new work is proposed, a designation is assigned indicating the required construction of the building and addition if built under current code requirements as well as the nonconforming (N/C) status of the existing portion.

- B. For example, let's classify a three-story office building and addition required to be a minimum of Type V, One-hour construction under the current code. If the existing building contains exposed wood floor and roof framing, it does not meet the fire-resistive requirements for Type V, One-hour construction and must be classified as nonconforming, (N/C).

The designation for this project would be "Type V, One-hour, N/C."

### V. Ways to Add Building Area

CBC Section 3403.2 prohibits the addition of area to a nonconforming building unless the existing building is brought up to current code requirements or other mitigating measures are taken.

- A. There are some exceptions. Additional area is permitted if the resulting condition is no more hazardous than the existing condition. Some examples of permitted new area are:
  1. Filling in a stair or mechanical shaft opening.
  2. Adding an exterior uncovered cantilevered balcony.
  3. Adding additional floors within a live/work quarters building. See Building Newsletter 3-3 for requirements.
- B. Building area may be added if a building can be made to comply with the present Building Code, removing the nonconforming classification. Examples of code concepts that may be used to make a building comply are:
  1. The addition of area separation walls per Section 504.6 to:
    - a. Isolate a nonconforming portion of a building.
    - b. Break an overarea building into conforming parts.
  2. Upgrading the type of construction of the existing building.
  3. Using yards for an allowable area increase per Section 505.1.
  4. Changing the occupancy of the building to one less hazardous.
  5. Adding an automatic sprinkler system throughout the building to permit any one of the following options:
    - a. Additional building area per Section 505.3.
    - b. One additional story beyond that permitted by Table No. 5-B per Section 506.

- c. Substitution for one-hour fire-resistive construction per Section 508.
- C. Another possible way to add building area is through the Board of Appeals process. If the building owner or architect feels that the building addition is in some way equivalent to current code requirements, an appeal may be filed. See Building Newsletter 1-4 for more information.

#### **VI. Information Needed for Classification**

When additions are proposed, the building official must be provided with sufficient information to classify the building. Submitted plans must include all of the

following:

- A. A plot plan showing the location (distance to property lines on all sides and distance between buildings), occupancy, number of stories and type of construction of all structures on the lot.
- B. Complete floor plans showing the use and area of all rooms on each floor.
- C. The location of all exit doors, exit corridors, stairways, and elevators.
- D. Fire-resistive details showing the construction and fire-rating of all floor, roof, and wall assemblies.